IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST

TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE MS JUSTICE G.ROHINI

-

WRIT PETITION No.14253 of 2004

Between:

Boya Ramanaidu S/o. Pedda nagaiah, Aged 35 years,
Occupation: Fair Price Shop Dealer,Anugonda Vill,

Kodmur Mandal, Kurnool district.

..... PETITIONER

AND

1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Kurnool, Kurnool Distrtict.
3 The Mandal Revenue Officer, Kodmur, Kurnool District.
4 A. Padmanabha Reddy Anugonda Village, Kodmur Mandal,

Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in restoring the suspension of the 4th respondent after 4 years of suspension by his proceedings Rc.B249/04 Dt. 29.7.2004, against the provisions enumerated in A.P. Scheduled Commodities Act, (Regulation of Distribution by card system order 1973) and terminating the petitioner authorization without any valid reasons is illegal, arbitrary, unjust and unconstitutional of principles of natural justice and consequently direct the 2nd respondent to restore the petitioner authorization.

Counsel for the Petitioner: MR.K.V.RAGHU VEER

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES
Counsel for the Respondent No.4 : ----------

The Court at the admission stage made the following:

ORDER:

The petitioner claims to be the Fair Price Shop Dealer of Anugonda village, having been appointed on temporary basis in the year 2002, since the authorization of the permanent dealer, the fourth respondent, was suspended by the second respondent vide proceedings dated 1.5.2000. This writ petition is filed seeking declaration that the action of the second respondent in restoring the authorisation of the fourth respondent by proceedings dated 29.7.2004 is illegal and arbitrary.

Admittedly, the petitioner has already preferred an appeal before the first respondent against the order dated 29.7.2004. Having availed the statutory remedy of appeal, it is not open to the petitioner to invoke the jurisdiction of this Court under Article 226 of the Constitution of India challenging the very same order, which is the subject matter of the appeal before the statutory authority.

Accordingly, the writ petition is dismissed. No costs.

However, this shall not preclude the petitioner to pursue the remedy of appeal, which has already been availed by him.

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Date : August 12, 2004. **G. ROHINI, J**

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Kurnool, Kurnool Distrtict.
3 The Mandal Revenue Officer, Kodmur, Kurnool District.
4 Two CCs to the Government Pleader for Civil Supplies,

High Court of Andhra Pradesh, Hyderabad (O.U.T)

5 Two CD copies.